

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA	:	
	:	SECOND PRELIMINARY ORDER
- v. -	:	OF FORFEITURE AS TO
	:	<u>SUBSTITUTE ASSETS</u>
DAVIT MIRZOYAN,	:	
	:	10 Cr. 895 (PGG)
Defendant.	:	
	:	
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WHEREAS, on or about September 30, 2010, DAVIT MIRZOYAN (the “Defendant”), among others, was charged in six counts of a seven-count Indictment, 10 Cr. 895 (PGG) (the “Indictment”), with racketeering conspiracy, in violation of Title 18, United States Code, Section 1962(d) (Count One); conspiracy to commit health care fraud, in violation of Title 18, United States Code, Section 1349 (Count Two); conspiracy to commit bank fraud, in violation of Title 18, United States Code, Section 1349 (Count Three); conspiracy to commit money laundering, in violation of Title 18, United States Code, Section 1956(h) (Count Four); conspiracy to commit fraud in connection with identity theft, in violation of Title 18, United States Code, Section 371 (Count Five); and conspiracy to commit credit card fraud, in violation of Title 18, United States Code, Section 1029(b) (Count Six);

WHEREAS, on or about October 26, 2012, the Defendant pled guilty to Counts One through Five of the Indictment;

WHEREAS, on or about December 4, 2019, the Court entered an Amended Preliminary Order of Forfeiture as to Specific Property/Money Judgment (the “Order of Forfeiture”), imposing a forfeiture money judgment against the Defendant in the amount of

\$2,000,000 (the “Money Judgment”), representing the amount of proceeds traceable to the offenses charged in Counts One through Four of the Indictment that the Defendant personally obtained, and forfeiting all right, title and interest of the Defendant in certain specific assets (the “Specific Property”) (D.E. 1008);

WHEREAS, on or about August 2, 2022, the Court entered a Stipulation and Consent Preliminary Order of Forfeiture as to Substitute Assets (the “First Substitute Asset Preliminary Order”) (D.E. 1014), forfeiting to the United States various items of jewelry seized from the Defendant’s residence on or about October 13, 2010 (the “First Substitute Assets”);

WHEREAS, to date, the Money Judgment against the Defendant remains unpaid;

WHEREAS, as a result of acts and omissions of the Defendant, the United States has not been able to locate, obtain or collect assets traceable to the proceeds of the Defendant’s offenses to satisfy the Defendant’s Money Judgment, other than the Specific Property, despite the exercise of due diligence in investigating the assets of the Defendant;

WHEREAS, the Government has identified the following specific assets in which the Defendant has an ownership interest:

- a. \$25,809.00 in United States currency seized on or about October 13, 2010, from the Defendant’s residence in Glendale, California; and
- b. Wynn Casino chips seized on or about October 13, 2010, from the Defendant’s residence in Glendale, California;

(a. and b., collectively the “Second Substitute Assets”); and

WHEREAS, the Government is seeking the forfeiture of all of the Defendant’s right, title and interest in the Second Substitute Assets.

NOW IT IS THEREFORE ORDERED, ADJUDGED AND DECREED THAT:

1. All of the Defendant's right, title and interest in the Second Substitute Assets is hereby forfeited to the United States of America, for disposition in accordance with the law, subject to the provisions of Title 21, United States Code, Section 853(n).

2. Upon entry of this Second Preliminary Order of Forfeiture of Substitute Assets, the United States Marshals Service (or its designee) is hereby authorized to take possession of the Second Substitute Assets and to keep them in its secure, custody and control.

3. Upon entry of a Final Order of Forfeiture, the Second Substitute Assets shall be applied towards the satisfaction of the Money Judgment entered against the Defendant.

4. Pursuant to Title 21, United States Code, Section 853(n)(1), Rule 32.2(b)(6) of the Federal Rules of Criminal Procedure, and Rules G(4)(a)(iv)(C) and G(5)(a)(ii) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, the United States shall publish for at least thirty (30) consecutive days on the official government internet forfeiture site, www.forfeiture.gov, notice of this Second Preliminary Order of Forfeiture as to Second Substitute Assets and provide notice that any person, other than the Defendant in this case, claiming an interest in the Second Substitute Assets must file a petition within sixty (60) days from the first day of publication of the notice on this official government internet site, or no later than thirty-five (35) days from the mailing of actual notice, whichever is earlier.

5. The notice referenced in the preceding paragraph shall state that the petition shall be for a hearing to adjudicate the validity of the petitioner's alleged interest in the Second Substitute Assets, shall be signed by the petitioner under penalty of perjury, and shall set forth the nature and extent of the petitioner's right, title or interest in the Second Substitute Assets and any

additional facts supporting the petitioner's claim and the relief sought, pursuant to Title 21, United States Code, Section 853(n).


6. The United States may also, to the extent practicable, provide direct written notice to any person, other than the defendant, known to have an alleged interest in the Second Substitute Assets, as a substitute for published notice as to those persons so notified.

7. Upon adjudication of all third-party interests, this Court will enter a Final Order of Forfeiture with respect to the Second Substitute Assets, pursuant to Title 21, United States Code, Section 853(n), in which all interests will be addressed.

8. The Court shall retain jurisdiction to enforce this Second Preliminary Order of Forfeiture as to Substitute Assets, and to amend it as necessary, pursuant to Federal Rule of Criminal Procedure 32.2(e).

Dated: New York, New York
September 12, 2024

SO ORDERED:



HONORABLE PUAL G. GARDEPHE
UNITED STATES DISTRICT JUDGE